

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FREDERICK HALL, : CASE NO. 1:02-cv-00034
Petitioner, : JUDGE SPIEGEL
v. : MAGISTRATE JUDGE BLACK
ERNIE MOORE, WARDEN, :
Respondent. :

SECOND MOTION FOR EXTENSION OF TIME TO FILE PETITIONER'S OBJECTIONS

Now comes Frederick Hall, through counsel, and moves this Court to grant a seven-day extension of time until November 30, 2007, to file his Objections to the Supplemental Report and Recommendation filed by the magistrate. No bond has been granted in this case. Petitioner remains in state custody. One previous, 30-day, extension regarding the filing of the Objections has been granted. A memorandum in support of this motion is attached.

Respectfully submitted,

DAVID H. BODIKER 0016590
Ohio Public Defender

s/Craig M. Jaquith
CRAIG M. JAQUITH 0052997
Assistant State Public Defender
Counsel of Record

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COUNSEL FOR PETITIONER

MEMORANDUM IN SUPPORT

On October 10, 2007, the Magistrate Judge filed a Supplemental Report and Recommendation, recommending that Hall's petition for habeas corpus be denied. Hall was given 10 days from the date of the Report, or until October 24, 2007, in which to file Objections.

The instant petition was filed in early 2002. The state-court proceedings involved two separate trials, with transcripts prepared for each. Additionally, there was a Report and Recommendation filed herein on March 23, 2004, and there was subsequently an evidentiary hearing held in this Court regarding Hall's *Brady* claim. Counsel for Hall obtained the transcripts (Docs. 41 and 42) from the evidentiary hearing late last month.

Undersigned counsel, due to several unrelated circumstances, has been unable to complete the Objections, and respectfully requests a seven-day extension of time within which to file the Objections in this case. This extension is necessary to ensure that Hall is afforded effective assistance of counsel, and no further extension requests are anticipated. Therefore, counsel respectfully requests until November 30, 2007—seven days from the present due date—to file the Objections in this case. An attempt to contact counsel for Respondent regarding this request was made today, but presumably due to the holiday, she was not in the office.

Respectfully submitted,

DAVID H. BODIKER 0016590
Ohio Public Defender

s/Craig M. Jaquith
CRAIG M. JAQUITH 0052997
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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2007, a copy of the foregoing Second Motion for Extension of Time to File Petitioner's Objections was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

s/Craig M. Jaquith
CRAIG M. JAQUITH 0052997
Assistant State Public Defender

COUNSEL FOR PETITIONER

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